

6-8-01

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PTO/SB/05 (11-00)  
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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

<i>Attorney Docket No.</i>	600-1-195C
<i>First Inventor</i>	James E. Darnell, Jr.
<i>Title</i>	NUCLEIC ACIDS ENCODING ...
<i>Express Mail Label No.</i>	EL920251268US

## APPLICATION ELEMENTS

*See MPEP chapter 600 concerning utility patent application contents.*

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- Free Transmittal Form (e.g., PTO/SB/17)
1. ☐ (Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 107]
- (preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 42]
5. Oath or Declaration [Total Pages 3]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))  
 10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*  
 11. ☐ English Translation Document *(if applicable)*  
 12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations  
 13. ☒ Preliminary Amendment  
 14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*  
 15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*  
 16. ☐ Request and Certification under 35 U.S.C. 122  
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35  
 or its equivalent. **Petition for Filing Date and**  
 17. ☒ Other: Request for Transfer of Computer

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No 09 / 488,442

### Prior application information

Examiner S. Houtteman

Group Art Unit 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label

23565

or ☐ Correspondence address below

Name

*Address*

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Michael D. Davis

Registration No. (Attorney/Agent) 39,161

*Signature*

Michael D. Davis

Date \_\_\_\_\_

June 7, 2001

**Burden Hour Statement** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,014.00)

## Complete if Known

Application Number unassigned  
Filing Date herewith  
First Named Inventor James E. Darnell, Jr.  
Examiner Name unknown  
Group Art Unit unknown  
Attorney Docket No. 600-1-195C

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to.

Deposit Account Number 11-1153  
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$710.00)

### 2. EXTRA CLAIM FEES

Total Claims 28  
Independent Claims 5  
Multiple Dependent

Extra Claims Fee from below  
20\*\* = 8 x 18.00 = 144.00  
3\*\* = 2 x 80.00 = 160.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$304.00)

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)	Michael D. Davis	Registration No. (Attorney/Agent)	39,161	Complete (if applicable)	Telephone	201-487-5800
Signature	Michael D. Davis			Date	June 7, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Washington, DC 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.  
SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN  
FILED : HEREWITH ART UNIT : UNKNOWN  
FOR : NUCLEIC ACIDS ENCODING RECEPTOR RECOGNITION  
FACTORS AND METHODS OF USE THEREOF (AMENDED)

STATEMENT IN SUPPORT OF THE FILING/SUBMISSION OF A  
NUCLEOTIDE/AMINO ACID SEQUENCE LISTING IN  
ACCORDANCE WITH 37 C.F.R. §§1.821-1.825

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

Michael D. Davis, attorney of record, hereby states as follows:

1. I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same.
2. I hereby state that the submission, filed in accordance with 37 C.F.R. §1.821(g) herein does not include new matter.
3. I hereby declare that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the U.S. Code, Section 1001 and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

DATED: October 10, 1997

Michael D. Davis

MICHAEL D. DAVIS  
Registration No. 39,161

SCANNED, # 14

PATENT  
600-1-195C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.  
SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN  
FILED : HEREWITH ART UNIT : UNKNOWN  
FOR : NUCLEIC ACIDS ENCODING RECEPTOR RECOGNITION  
FACTORS AND METHODS OF USE THEREOF (AMENDED)

REQUEST FOR TRANSFER OF COMPUTER READABLE FORM

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

Applicants request that the previously submitted sequence information filed in computer readable form in Application Number 08/212,185 be used in the present Application. This sequence information was the only computer readable form filed in that Application.

Respectfully submitted,



MICHAEL D. DAVIS  
Attorney for Applicant(s)  
Registration No. 39,161

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, New Jersey 07601  
(201) 487-5800

Date: June 7, 2001

SCANNED, #14

COPY

600-1-073  
PATENT

31058 U.S. PRO  
09/876773  
06/04/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.  
SERIAL NO.: 08/212,185 : EXAMINER: UNKNOWN  
FILED : MARCH 11, 1994 : GROUP ART UNIT: UNKNOWN  
FOR : RECEPTOR RECOGNITION FACTORS, PROTEIN SEQUENCES  
AND METHODS OF USE THEREOF

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, DC 20231 on May 26, 1994.

Paul F. Fehner  
(Name of Registered Representative) -

Marcella Kapp 05/26/94  
(Signature and Date)

PETITION FOR FILING DATE UNDER 37 C.F.R. § 1.53(b)

HON. COMMISSIONER OF PATENTS  
AND TRADEMARKS  
PROCESSING DIVISION  
WASHINGTON, D.C. 20231

Sir:

In response to the Notice of Incomplete Application dated April 20, 1994, Applicants hereby petition for reinstatement of the filing date of March 11, 1994 in the above-identified Application on the grounds that the Notice is in Error. The Specification of the Application is complete; in particular there is no FIGURE 13D in the Application. FIGURE 13 consists of parts A, B, and C only.

Upon review of the Application, Applicants have noted a typographical error in the brief description of the drawings. In particular, on page 23, line 5, the Specification refers to (B-D) of FIGURE 13. However, an examination of FIGURE 13 shows that the nucleic acids sequence is completed on FIGURE

.3C. FIGURE 13A is the amino acid sequence encoded by FIGURE 13B-C. There 749 amino acids in the amino acid sequence. Thus, only 1,089 nucleotides are required to encode the polypeptide sequence shown in FIGURE 13A. FIGURE 13B-C contains 2,277 nucleotides, more than enough to encode the polypeptide. If a FIGURE 13D existed FIGURE 13C would fill the entire page. Instead FIGURE 13C only takes half of the page; it is complete within the drawings provided.

Further examination of the Specification indicates a typographical error in the brief description of FIGURE 14. In particular, at page 23, line 9 the Specification refers to FIGURE 14(B-C). In fact, FIGURE 14 consists of parts A, B, C, and D. Therefore, it is clear that a typographical error in the Specification has resulted in confusion between the number of parts of FIGURES 14 and 13.

(Review of the Specification also indicates a typographical error with respect to the description of FIGURE 15, which consists of parts A-E.)

A Preliminary Amendment to correct the typographical errors in the brief description of drawing section of the Specification accompanies this Petition. Copies of FIGURES 13(A-C) and 14(A-D) are enclosed for the sake of convenience in examining this Petition. The Preliminary Amendment also corrects the typographical error at page 70, line 4; which refers to FIGURE 12A-12C as showing the nucleic acid and deduced amino acid sequence of the murine 91 KD protein. However, FIGURE 12 is a chromatogram depicting the identification of phosphoamino acid. The section of the

Application mentioned above in fact refers to FIGURE 13A-13C. The Specification has been amended accordingly in the accompanying Preliminary Amendment.

In view of the foregoing it is clear that the Specification as filed is complete, in particular, FIGURE 13(A-C) is complete as filed. There is not, nor should there be, a FIGURE 13D.

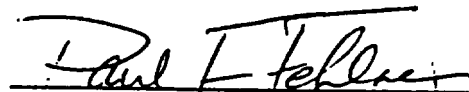
PRAYER FOR RELIEF

In view of the facts set forth above, Applicants Petition for Grant of a filing date of March 11, 1994 in the above-identified Application. The Specification as filed was complete, therefore the Application as filed was entitled to receive the filing date of March 11, 1994.

Applicants respectfully request refund of the accompanying fee for this Petition since the Application as filed is complete.

The required fee under 37 C.F.R. § 1.17(h) is enclosed. Authorization is hereby given to charge any additional fees, or credit any overages, to Deposit Account No. 11-1153. Accordingly, a duplicate copy of this Petition is enclosed for accounting purposes.

Respectfully submitted,



Paul F. Fehlner, Ph.D.  
Agent for Applicants  
Registration No. 35,135

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ENCLOSURES